

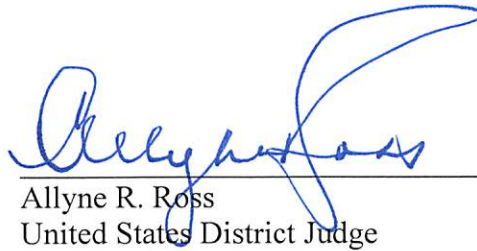
Rule 65(b) of the Federal Rules of Civil Procedure permits courts to issue temporary restraining orders in limited circumstances. See Fed. R. Civ. P. 65(b). “It is well established that the standard for an entry of a temporary restraining order is the same as for a preliminary injunction.” AFA Dispensing Grp. B.V. v. Anheuser-Busch, Inc., 740 F. Supp. 2d 465, 471 (S.D.N.Y. 2010). Under that standard, the movant has the burden to establish “(1) irreparable harm in the absence of the injunction and (2) either (a) a likelihood of success on the merits or (b) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in the movant’s favor.” Cnty. of Nassau, N.Y. v. Leavitt, 524 F.3d 408, 414 (2d Cir. 2008) (quoting NXIVM Corp. v. Ross Inst., 364 F.3d 471, 476 (2d Cir. 2004)).

Nothing in the instant motion alters this court’s conclusion that plaintiff has failed to meet that burden. Specifically, plaintiff’s motion does not address the deficiencies in her complaint that prevent her from demonstrating a likelihood of success on the merits or even sufficiently serious questions going to the merits. Accordingly, for all the reasons provided in the October 28, 2015 order, this court concludes that plaintiff is not entitled to the emergency relief she seeks.

CONCLUSION

This court hereby denies without a hearing plaintiff’s motion for a temporary restraining order. Although plaintiff has paid the filing fee to commence this action, the court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.



Allyne R. Ross
United States District Judge

Dated: Brooklyn, New York
November 5, 2015